

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

NANCY ZENZEL,

Plaintiff,

-against-

3:11-CV-00259 (LEK/VEB)

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendants.

DECISION and ORDER

This matter comes before the Court following a Report-Recommendation filed on May 23, 2012 by the Honorable Victor E. Bianchini, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and Northern District of New York Local Rule 72.3(d). Dkt. No. 18 (“Report-Recommendation”).

Within fourteen days after a party has been served with a copy of a magistrate judge’s report-recommendation, the party “may serve and file specific, written objections to the proposed findings and recommendations.” FED. R. CIV. P. 72(b); N.D.N.Y. L.R. 72.1(c). “If no objections are filed . . . reviewing courts should review a report and recommendation for clear error.” Edwards v. Fischer, 414 F. Supp. 2d 342, 346-47 (S.D.N.Y. 2006) (citations omitted).

Here, no objections have been raised in the allotted time with respect to Magistrate Judge Bianchini’s Report-Recommendation. See generally Dkt. Defendant requested an extension of time to file objections to the Report-Recommendation, which was granted. Dkt. No. 20 (and accompanying Text Order). However, Defendant failed to file objections during this extension. See generally Dkt. After a thorough review of the Report-Recommendation and the record, the Court

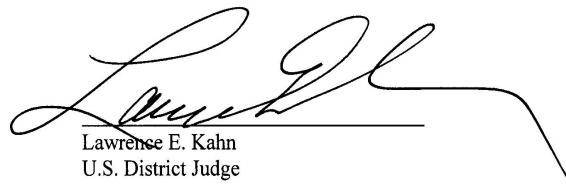
has determined that the Report-Recommendation is not subject to attack for clear error or manifest injustice.

Accordingly, it is hereby:

ORDERED, that the Report-Recommendation (Dkt. No. 18) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further
ORDERED, that Defendant's Motion (Dkt. No. 16) for judgment on the pleadings is **DENIED**, that Plaintiff's Motion (Dkt. No. 13) for judgment on the pleadings is **GRANTED**, and that this case is **REMANDED** for further administrative proceedings; and it is further
ORDERED, that the Clerk of the Court serve a copy of this Decision and Order upon the parties to this action.

IT IS SO ORDERED.

DATED: September 10, 2012
Albany, New York



Lawrence E. Kahn
U.S. District Judge